

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## JEROME TALLEY,

Case No. 2:16-CV-2494 JCM (NJK)

Plaintiff(s),

## ORDER

V.

**STATE OF WASHINGTON,**

Defendant(s).

Presently before the court is petitioner Jerome Talley's amended motion for the court to reconsider its November 16, 2016, order adopting Magistrate Judge Koppe's report and recommendation. (ECF No. 11).

Petitioner requests relief under Federal Rule of Civil Procedure 60(b)(3), which permits a court to grant relief from a judgment if there has been “fraud . . . misrepresentation, or misconduct by an opposing party.” *See* (ECF No. 11).

“To prevail under [rule 60(b)(3)], the moving party must establish that a judgment was obtained by fraud, misrepresentation, or misconduct, and that the conduct complained of prevented the moving party from fully and fairly presenting the case.” *In re M/V Peacock on Complaint of Edwards*, 809 F.2d 1403, 1404–05 (9th Cir. 1987).

On the face of petitioner's meandering motion, it is clear that petitioner has not met the standard for relief under rule 60(b)(3). *See* (ECF No. 11).

1                   Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that petitioner's motion  
(ECF No. 11) be, and the same hereby is, DENIED.

4 DATED March 27, 2017.

Xem C. Mahan  
UNITED STATES DISTRICT JUDGE

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